

REMARKS

Applicants would like to thank the Examiner for finding, in a Notice of Allowability prior to the filing of this RCE, that Claims 1-18 and 45-53 recite allowable subject matter.

In a previous Office Action mailed May, 20, 2005, the Examiner rejected Claims 1-14 and 45-53, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0233402 to Smith ("Smith"). In an Amendment and Request for Reconsideration, mailed August 22, 2005, Applicants argued that the Smith publication did not qualify as prior art under 35 U.S.C. § 102(e).

Upon review of the file, Applicants realized that while the Smith publication does not qualify as prior art to the original disclosure, it does qualify as prior art to new matter first disclosed in the pending continuation-in-part (CIP) application. As noted in the previous Amendment, the earliest priority date to which Smith might be entitled is September 20, 2001. The pending application filed on December 2, 2003 is a CIP of U.S. Application Serial No. 10/434,975 filed on May 9, 2003, which is a continuation of U.S. Application Serial No. 09/835,201 (now U.S. Patent No. 6,573,986 issued on June 3, 2003) filed on April 13, 2001, which claims priority from U.S. Provisional Application No. 60/254,271 filed on December 8, 2000.

Thus, if Smith is entitled to a priority date of September 20, 2001, then Smith may qualify as prior art to new matter added to the application with the filing of the pending CIP, on May 9, 2003, but Smith still does not qualify as prior art to matter disclosed in the original application or its continuation.

Applicants note that the CIP includes matter directed toward curved field projections and alternative arrangements of exposed fields. (See page 35, line 15 – page 45, line 5 and Figures 37-52). Pending claims 1-13 do not include any limitations of curved field projections or alternative arrangements of exposed fields, and are therefore entitled to a priority date of December 8, 2000, and Smith does not qualify as prior art to these claims. Thus the previous argument against Smith as prior art is still appropriate as to these claims, and Applicants respectfully submit that Claims 1-13 are in condition for allowance.

Claims 14 and 45-53 do include limitations of curved field projections and thus, may not be entitled to the early priority date. As such Smith might qualify as prior art to Claims 14 and 45-53. However, even if Smith is prior art to Claims 14 and 45-53, Smith fails to disclose all of the limitations of these claims, and these claims are still allowable.

Claims 45-53 all include a limitation of "a curved field reticle pattern." In the previous Office Action, the Examiner rejected Claims 45-53 over Smith stating that Smith discloses a curved field reticle pattern in Figure 18 where Smith shows a projection lens. Applicants respectfully submit that the projection lens in Figure 18 of Smith does not disclose "a curved field reticle pattern."

In Figure 18 of Smith, the projection lens may include curvature of field, or an aberration that causes a flat object surface to be imaged onto a curved surface rather than a plane, but this is not "a curved field reticle pattern" as recited in Claim 45. Examples of a curved field reticle pattern are illustrated in Figures 37 and 38 of the application where portions of the reticle are covered, or masked, so that what is exposed is "a curved field reticle pattern." Likewise, Claim 14 recites "the reticle pattern is a curved field." Thus, as with Claim 45, Smith does not disclose that "the reticle pattern is a curved field."

Thus, Applicant respectfully submits that Claims 14 and 45 are patentable over Smith, and are in condition for allowance. In addition, Claims 46-53 depend, either directly or indirectly, from Claim 45, and they are also patentable and in condition for allowance.

Request Consideration of IDS

An IDS submission was filed prior to the filing of this RCE and has not been acknowledged by the Examiner. The IDS was mailed March 18, 2004. Applicants have received a return receipt postcard indicating that the IDS was received on March 22, 2004. Applicants request that the art cited in the IDS submission be acknowledged by the Examiner. A Request for Acknowledgement of IDS including a duplicate copy of the of the prior submission, including non-patent references, and a copy of the receipt post card are enclosed with this Preliminary Amendment and RCE.

U.S.S.N. 10/727,018


McArthur et al.

Preliminary Amendment and Request for Reconsideration

Conclusion

Applicants respectfully submit that all the pending claims in the application, Claim 1-18, and 45-53, are in condition for allowance. Reconsideration and further examination of the application are requested. A Notice of Allowance is solicited.

Respectfully submitted,
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By: 
Alan C. Gordon
Registration No. 51,220

Attorney Docket No. 38203-6080C

Address all correspondence to:

Customer No. 33123

HELLER EHRMAN WHITE & McAULIFFE, LLP

4350 La Jolla Village Drive, Suite 700

San Diego, CA 92122-1246

Telephone: (858) 450-8400 / Facsimile: (858) 450-8499

Email: alangordon@hewm.com

SD 791309 v1
(38203.6080)